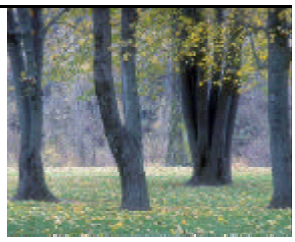
Defense Environmental Response Task Force (DERTF)

Principles for BRAC Environmental Cleanup

This document was produced by the Office of the Deputy Under Secretary of Defense (Environmental Security), as the result of an analysis of the recommendations made by the Defense Environmental Response Task Force.

Introduction



What is the DERTF?

The Defense Environmental Response Task Force (DERTF) is an advisory committee that provides recommendations to Congress on ways to improve and expedite environmental response actions at military installations affected by Base Realignment and Closure (BRAC) legislation. Initially formed in 1991 and then reconvened in 1993, the DERTF meets semiannually near BRAC installations around the country. The DERTF considers issues related to expediting and improving environmental cleanup, makes recommendations, reviews progress made in implementing those recommendations, and provides an Annual Report to Congress.

What are the DERTF Principles for BRAC Environmental Cleanup?

The principles presented in this document are broad, enduring statements that highlight the issues the DERTF believes to be essential for the success of environmental cleanup at BRAC installations.

How did these principles originate?

Each year, the DERTF makes recommendations based upon the presentations, discussions, and public input occurring at its meetings. While some recommendations are subsequently satisfied by specific short-term actions, others emphasize key factors for success that are applicable for as long as the process of performing environmental cleanup and making property available for transfer continues. The latter recommendations are the basis for the DERTF Principles for BRAC Environmental Cleanup.

To whom do these principles apply?

The DERTF Principles for BRAC Environmental Cleanup will be helpful in guiding decisions and actions at all levels. The principles highlight funding priorities for Congress and can guide the Department of Defense's (DoD's) budget development and decision-making. DoD and environmental regulatory agencies can ensure that their policies and guidance are consistent with these principles. Finally, the principles can serve as a touchstone for BRAC Cleanup Teams (BCTs) and others involved in environmental cleanup at installations, ensuring that the key concepts conveyed in the principles are duly regarded throughout the cleanup process.

Principles

1) Protection of human health and the environment is the primary consideration in BRAC environmental cleanup.

2) Successful BRAC cleanup activities are conducted with consideration for the transfer and reuse of military property.

3) Adequate funding is required to ensure the successful completion of environmental cleanup at BRAC installations.

4) The partnership approach among DoD, EPA, and state agencies encourages cooperation and enhances efficiency in the cleanup process.

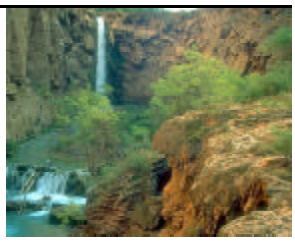
5) Input from Restoration Advisory Boards and the participation of local communities and stakeholders are vital components of planning environmental cleanup and making BRAC property available for transfer.

6) Streamlined approaches to cleanup improve the efficiency of environmental response actions at BRAC installations.

7) Means of measuring progress toward statutory cleanup requirements and judging the effectiveness of the cleanup investment, are important adjuncts to the BRAC environmental cleanup program.

Principle 1

Protection of human health and the environment is the primary consideration in BRAC environmental cleanup.



Background

Protection of human health and the environment is the primary goal that underlies Fast-Track Cleanup, which is part of President Clinton's plan to speed the recovery of communities affected by BRAC decisions. The tools, training, and guidance that help BRAC Cleanup Teams (BCTs) manage environmental cleanup emphasize the need to consider human health and the environment in all aspects of decision-making.

Many Fast-Track Cleanup initiatives, as well as many of the recommendations that have been made by the DERTF, focus on ways to expedite and improve cleanup activities and to make property available for reuse and transfer to communities as quickly as possible. The focus is on conducting an expedited and cost-efficient cleanup that protects human health and the environment. Risks to human health and the environment from contaminants are effectively reduced by cleanup plans that are compatible with the future land use and by the sequencing of cleanup actions through mechanisms such as relative risk categorization. Efficient approaches using innovative technology can, when properly implemented and monitored, provide effective cleanup action at a reduced cost, allowing resources to be directed to more sites.

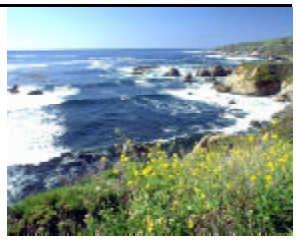
Keys to Success

Protection of human health and the environment is a core value guiding BRAC cleanup. A shared understanding of this principle, at all levels, helps to improve cleanup planning and execution. The Office of the Deputy Under Secretary of Defense (Environmental Security) and the headquarters of the Components play key roles, providing guidance to the field that reinforces the importance of protecting human health and the environment and making management-level decisions that are consistent with this principle.

DoD and the regulatory agencies support this principle by focusing on cleanup issues, removing barriers in regulatory frameworks and developing flexible, streamlined responses to environmental problems.

Principle 2

Successful BRAC cleanup activities are conducted with consideration for the transfer and reuse of military property.



Background

The goal of environmental cleanup activities at BRAC installations is to prepare property for transfer and reuse while ensuring the protection of human health and the environment. Continual awareness of the reuse aspect of this goal helps ensure that cleanup decisions made by the BRAC Cleanup Teams are consistent with community priorities for property reuse and that lines of communication among DoD, EPA, state regulators, local redevelopment authorities, and the community remain open.

Many Fast-Track Cleanup initiatives respond to the need to integrate reuse considerations into cleanup planning. DoD's Finding of Suitability to Transfer (FOST) and Finding of Suitability to Lease (FOSL) processes provide a framework for documenting the conclusion that property is environmentally suitable for transfer by deed or lease. Factsheets and tools, such as *Fast Track to FOST*, have been developed to assist BCTs in implementing these processes.

The FY97 Defense Authorization Act (Section 334) amended Section 120(h)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) to allow Federal agencies to transfer property by deed before all the necessary cleanup actions have taken place. The Early Transfer Authority enables a community to obtain full ownership of the property earlier and to gain greater control over its future use.

Keys to Success

Within the cleanup regulatory context, consideration of reuse during cleanup study phases occurs at installations. As part of the Fast-Track Cleanup process, BCTs consider reuse plans and priorities developed by LRAs in establishing environmental cleanup strategies. BCT members should continue to develop strategies that forge productive relationships with communities and eventual recipients of property, adapt cleanup plans and timetables to meet important local needs, and parcel property in a way that expedites the availability of clean property while cleanup actions continue elsewhere.

Principle 3

Adequate funding is required to ensure the successful completion of environmental cleanup at BRAC installations.

Background

Congress has generally provided the level of funding requested by DoD for BRAC environmental efforts. This funding support enabled critical cleanup actions to be put in place and a demonstrable level of progress to be achieved across the board. BRAC environmental funding has also supported the development of tools, including guidance for use in the cleanup process, and will enable ongoing Fast-Track Cleanup initiatives to chart the course to completion.

Funding provided by DoD to EPA and state regulatory agencies for their participation in BRAC environmental cleanup has allowed partnerships to be developed that are a key factor in the success achieved to date. BRAC environmental funding also supports public participation through Restoration Advisory Boards (RABs) at BRAC installations. This community input has helped to foster decisions that take into consideration the needs and concerns of communities affected by BRAC decisions.

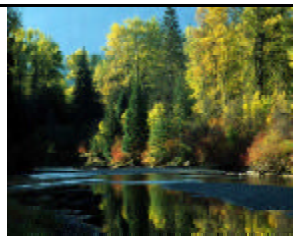
Keys to Success

Continued funding of BRAC environmental cleanup is vital for the completion of cleanup actions at BRAC installations to protect human health and the environment and support reuse. The DERTF recommends that Congress provide and sustain an adequate level of funding for BRAC cleanup activities.

The BRAC account expires in FY01, and concern exists about the continuity of adequate funding. DoD has expressed its intention to support and fully fund the program through the Components' environmental restoration accounts. However, Congress should recognize that the inclusion of BRAC environmental cleanup requirements in the Component accounts does not represent an increase in overall cost or requirements, but simply a change in the funding source.

Principle 4

The partnership approach among DoD, EPA, and state agencies encourages cooperation and enhances efficiency in the cleanup process.



Background

DoD, EPA, and state agencies with responsibility for regulating environmental cleanup at BRAC installations have adopted a partnership approach through the Fast-Track Cleanup concept. This approach has encouraged collaboration and the exchange of information, resulting in improved cleanup management, early problem solving, time savings, and the avoidance of unnecessary cleanup costs. It has also reduced the potential for conflict between the regulatory agencies that have jurisdiction over environmental remediation activities.

This partnership operates at both the installation and headquarters levels. At the installation level, the primary vehicle for collaboration is the BRAC Cleanup Team (BCT), comprising an installation's BRAC Environmental Coordinator (BEC) and representatives from the EPA and the state environmental agency. Working together, BCT members can develop plans that meet the needs of each organization and can resolve issues quickly.

At the headquarters level, EPA staff provide regulatory insight and serve as an agency point of coordination on the BRAC Environmental Work Group, which develops training, guidance, and tools used by BCTs. Publications such as "Guidance on Establishing Base Realignment and Closure Teams" and "Keys to Opening the Door to BCT Success" define the roles and responsibilities of BCT personnel and outline basic principles for BCT interaction.

EPA issued its "Lead Regulator Policy for Cleanup Activities at Federal Facilities on the National Priorities List," in 1997 to clarify how to minimize the duplication of oversight activities by EPA and state regulatory agencies. The policy encourages a cooperative approach to the regulatory process that can increase efficiency while meeting legal requirements.

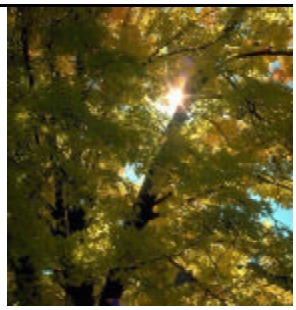
DoD has entered into partnership agreements with 43 states, 4 territories, and the District of Columbia through the Defense and State Memorandum of Agreement (DSMOA) program. Under these agreements, states can apply for funding to support their oversight of environmental restoration activities at BRAC installations. The program reimburses states for their participation in the decision-making process concerning cleanup and reuse. EPA participation is secured through a separate memorandum of understanding.

Keys to Success

The DERTF has recommended that DoD, EPA, and the states continue to focus on the BCTs to execute BRAC cleanup. Continued commitment by all organizations to the Fast-Track Cleanup process is essential. DoD continues to foster partnership through the sponsorship of regional BCT workshops and through involvement with EPA in the BRAC Environmental Work Group. The states and EPA, both at headquarters and regional levels, have fostered partnership through active participation in collaborative bodies and by supporting continuity of BCT membership at installations. The success of BRAC cleanup depends on the continuation and development of these relationships.

Principle 5

Input from Restoration Advisory Boards and the participation of local communities and stakeholders are vital components of planning environmental cleanup and making BRAC property available for transfer.



Background

The DERTF strongly supports Restoration Advisory Boards (RABs), which provide community input and promote community involvement in the cleanup process at BRAC installations. DoD is committed, through its support of RABs, to improving community involvement and public trust in DoD's environmental cleanup actions. DoD assists members of RABs in acquiring the knowledge needed to review information and provide meaningful input into cleanup plans. Initiatives such as the Technical Assistance in Public Participation (TAPP) program have also been developed by DoD to support RABs.

DoD recognizes that RABs should be representative of the wider community affected by cleanup decisions, and it encourages the inclusion of a diverse and broad spectrum of opinion. While non-BRAC installations also have RABs, DoD recognizes that at BRAC installations there may be additional concerns and a greater need for the RAB to be informed about reuse decisions. These needs are emphasized in guidance such as "Updating Your RAB to Meet BRAC Needs."

Providing information about BRAC environmental cleanup to local communities is an important element of helping communities provide informed input. DoD supports information exchange mechanisms such as public meetings and newsletters at the local level, and also facilitates wider communication on issues common to many RABs through mechanisms such as the Internet, with the new RAB World Wide Web site and the "Town Hall Forum" on the Defense Environmental Network and Information eXchange (DENIX) World Wide Web site.

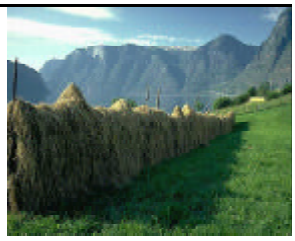
Local redevelopment authorities (LRAs) are the primary focus for community input into reuse plans for BRAC property. LRAs are usually created by elected local or state officials and are given appropriate responsibilities and powers to represent community interests. LRAs prepare reuse plans for BRAC property and serve as their communities' point of contact for all matters relating to reuse.

Keys to Success

A RAB's relationship with the BRAC installation it supports can influence both the effectiveness of the RAB and the ultimate success of the cleanup approach adopted at the installation. DoD communicates its belief in the value of RABs through the material and informational support provided to them, setting a standard for productive interaction with these groups that is carried out at the installation level.

Principle 6

Streamlined approaches to cleanup improve the efficiency of environmental response actions at BRAC installations.



Background

Both DoD and EPA continually look for ways to improve all aspects of the cleanup process with the aim of removing barriers, streamlining procedures, and promulgating successful approaches and lessons learned. DoD and EPA issued a joint guidance factsheet entitled "Innovative Solutions Save Time and Money," emphasizing their joint commitment to encourage the use of process improvements and technological advances to improve environmental cleanup.

Several innovative strategies are available to facilitate the selection of cleanup remedies and the implementation of environmental response actions. Presumptive remedies are standard approaches that have been identified and proven effective when applied to specific types of cleanup sites and contaminants. EPA has developed presumptive remedies for various site types (e.g. landfills) and contaminants, and is continuing to develop more. Variable oversight involves a common sense streamlining of regulatory oversight consistent with the complexity of specific environmental problems. These strategies, and others, represent ways to speed decision-making and cleanup implementation and to control costs.

The environmental cleanup process has benefited from the introduction of new contracting mechanisms by the DoD Components. These changes have increased flexibility and enabled contracts to be issued covering all phases of the cleanup process, resulting in contractor continuity.

Innovative technology approaches complement process improvements as ways to make environmental cleanup better, faster, and more cost-efficient. Innovative technologies can be applied at BRAC installations to respond to uncommon problems, or to take advantage of cost or performance benefits offered by emerging technical approaches. DoD supports the development and implementation of innovative technologies, partly through the joint DoD, DOE, EPA, and Coast Guard Strategic Environmental Research and Development Program (SERDP) and the DoD Environmental Security Technology Certification Program (ESTCP). Some challenges, such as unexploded ordnance (UXO), are specific to the military environment. DoD has established the Unexploded Ordnance Center of Excellence (UXOCOE) to coordinate the research and development of UXO cleanup and remediation technologies. Innovative technologies such as bioremediation, phytoremediation, and monitored natural attenuation represent opportunities to avoid unnecessary costs and save time while continuing to protect human health and the environment.

Keys to Success

The successful application of streamlined approaches depends on adequate funding support for the institutionalization of these options through guidance and training. Equally important is a belief, both at the policy-making and implementation levels, that flexibility in selecting remedial methods can lead to better, faster cleanup, and that new approaches when properly chosen and applied will meet with regulatory approval.

Principle 7

Means of measuring progress toward statutory cleanup requirements and of judging the effectiveness of the cleanup investment are important adjuncts to the BRAC environmental cleanup program.

Background

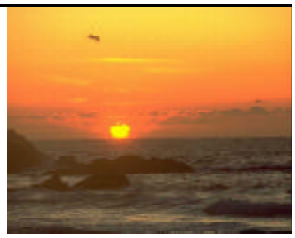
In its oversight role, the DoD Environmental Cleanup Office focuses on setting goals, measuring progress, and making necessary adjustments to keep cleanup on track and to improve its effectiveness. This activity requires interaction among all management levels of DoD and the Components.

The Defense Planning Guidance (DPG) goals for cleanup are a vital part of tracking progress towards statutory cleanup requirements. DoD has devised five BRAC measures of merit (MOMs) to allow progress towards DPG goals to be measured. EPA has also developed performance measures to track BRAC cleanup progress. EPA's BRAC indicators of progress (BIPs) are intended to inform stakeholders of the status of cleanup efforts and to complement the MOMs developed by DoD. The use of these analytical tools provides information -- e.g., the number of installations with active and completed cleanups, the progress of sites through the phases of the cleanup process, and reduction in overall risk reduction at BRAC installations --that is necessary to develop and adjust program focus and budget projections.

Keys to Success

The successful accomplishment of cleanup goals depends on the collection of accurate data and the ongoing assessment of progress towards those goals. The information on past activities and accomplishments needs to be considered as part of future cleanup planning and investment decisions.

Conclusion



Military installations affected by BRAC legislation face many challenges in conducting environmental cleanup and making property available for reuse. The DERTF helps DoD overcome those challenges by providing insight and guidance that builds upon the knowledge and diverse experience of its members.

The principles presented in this document represent the most important lessons learned by the DERTF. These principles have been validated repeatedly as the DERTF has heard reports from BRAC Cleanup Teams at installations located all around the country.

The constant theme underlying the recommendations has been to return former military property to local communities in the most efficient manner while ensuring protection of human health and the environment. These principles will help Congress, DoD and its Components, EPA, other Federal agencies, and communities work together to carry forward an environmental cleanup process which meets the high standards to which these participants are jointly committed.